

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14547 of 2005

Between:

P. Krishnaiah, S/o. P. Pitchaiah,
H.No.3-11-97, R.T.C. Colony, L.B.Nagar, Hyderabad.

..... PETITIONER

AND

1 The APSRTC, rep. by its Regional Manager,

City Region, Jubilee Bus Station,
Picket, Secunderabad.

2 The APSRTC, rep. by its Vice Chairman & M.D.,

Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any appropriate order or direction or a writ more particularly a writ in the nature of Mandamus declaring the action of the respondent in not issuing the appointment orders though the petitioner was selected as per merit is illegal, arbitrary, bias and violative of Art. 14, 16 and 21 of the Constitution of India and further direct the respondents to appoint him as Shramiks as per the provisional appointment order No.D2/684(5)/99-HCR dt. 12.6.2000.

Counsel for the Petitioner:Mr.B.KAMALAKARA RAO

Counsel for the Respondents: Mr.V.T.M.PRASAD(SC FOR APSRTC)

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondent – Corporation in not appointing the petitioner as a Shramik though he is one of the candidates empanelled for being appointed as Shramiks. The selected panel was assailed in a writ petition by the unsuccessful candidates, which was subsequently became subject matter of a writ appeal in W.A.No.703 of 2002 by the Corporation.

The grievance of the petitioner is that the Corporation obtained permission from the Division Bench for giving appointments to the empanelled 63 candidates, where the petitioner is also one among them. But, however, they have not given appointments. Therefore, the petitioner sought for appropriate direction.

The learned Standing counsel for the Corporation however stated that the notification issued is for filling up of the posts of Shramiks along with other posts and the method of recruitment is as per the circulars and instructions of the respondent-Corporation. It is stated that the period of panel is only for one year and if the candidates are not appointed within a period of one year, the panel would automatically gets lapsed. Therefore, none of the empanelled candidates are entitled to claim appointment. Even otherwise also, the contention of the standing counsel is that merely because the petitioner is one of the empanelled candidates, he cannot seek a writ of Mandamus for being appointed, as the petitioner has no vested rights for seeking such a relief. Hence, he sought for dismissal of the writ petition.

Heard both sides and considered the material on record.

Admittedly, the respondent-Corporation issued a notification calling for applications for being selected and appointed for the posts of Shramiks. The petitioner is one among the applicants and in fact according to the petitioner, he was even selected and empanelled out of the 63 candidates for being appointed as Shramiks. But, however, some of the unsuccessful candidates filed writ petition in W.P.No.17173/2001 and the said writ petition was allowed. The Corporation aggrieved by that, filed an appeal and that Writ Appeal is still pending. Though the Corporation sought for permission of the Court and the Court permitted the Corporation to appoint the selected 63 candidates, with a condition that their appointments shall be subject to the outcome of the Writ Appeal. But, however, the Corporation did not appoint subsequent to the said order, though the said order was

passed on 10-04-2002. Therefore, the petitioner has come up with the present writ petition and sought for a direction to the Corporation to appoint him as a Shramik on the premise that he was one of the selected candidates.

In opposition to the relief sought for by the petitioner, the Corporation is relying on the conditions of recruitment and also the circulars. As per the conditions of recruitment, the recruitment is in accordance with the circulars and instructions issued by the Corporation. The Corporation further relied on its circular stating that the panel prepared for recruitment is valid only for a period of one year and not beyond.

In view of the said stand taken by the Corporation and further as the petitioner claims to be only one of the empanelled candidates, the petitioner cannot seek any Writ against the Corporation for being appointed, as he has no vested right for such relief.

The writ petition is accordingly devoid of merits and the same is dismissed.
No costs.

S. ANANDA REDDY, J.

Dated: 20..07..2005.

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To

1 The Regional Manager,
APSRTC, City Region, Jubilee Bus Station
Picket, Secunderabad.

2 The Vice Chairman & M.D.,
APSRTC, Musheerabad, Hyderabad.

3 Two CD copies